

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAVAR GETER,

Plaintiff,

v.

DAUPHIN COUNTY PRISON  
AUTHORITIES, et al.,

Defendants.

NO. 3:18-CV-1579

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 11<sup>th</sup> day of February, 2019, **IT IS HEREBY ORDERED** that:

(1) The Motion to Dismiss (Doc. 4) filed by Defendant Marshall is **GRANTED as follows:**

- (A) Plaintiff's Eighth Amendment excessive force claim against Defendant Marshall is **DISMISSED without prejudice.**
- (B) Plaintiff's Eighth Amendment denial of adequate meals claim against Defendant Marshall is **DISMISSED without prejudice.**
- (C) All other claims against Defendant Marshall are **DISMISSED with prejudice.**

(2) The Motion to Dismiss (Doc. 6) filed by Defendants Dauphin County Prison Authorities, Sergeant Hoose, CO Harter, CO Deitz, CO Siegal, CO Riggins, and Prison's Superintendent is **GRANTED as follows:**

- (A) Plaintiff's Eighth Amendment excessive force claim against Defendants Sergeant Hoose, CO Harter, CO Deitz, CO Siegal, and CO Riggins is **DISMISSED without prejudice.**
- (B) Plaintiff's Eighth Amendment denial of adequate meals claim against Defendants Sergeant Hoose, CO Harter, CO Deitz, CO Siegal, and CO Riggins is **DISMISSED without prejudice.**
- (C) All other claims against Defendants Sergeant Hoose, CO Harter,

CO Deitz, CO Siegal, and CO Riggins are **DISMISSED with prejudice.**

(D) All claims against Dauphin County Prison Authorities and Prison's Superintendent are **DISMISSED with prejudice.**

(3) Plaintiff has **twenty-eight (28) days** to file an amended complaint to adequately state his Eighth Amendment excessive force and denial of adequate meals claims against Sergeant Hoose, CO Harter, CO Deitz, CO Siegal, CO Riggins, CO Marshall, and CO Ulledova. Failure to timely file an amended complaint within this time will result in the dismissal of these claims **with prejudice.**

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge